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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/588,430	09/11/2007	George S. Gabriel	364106/0389	9227

26610 7590 08/03/2010
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NEW YORK, NY 10038

EXAMINER

SWIATEK, ROBERT P

ART UNIT	PAPER NUMBER
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3643

MAIL DATE	DELIVERY MODE
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08/03/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/588,430	Applicant(s) GABRIEL ET AL.	
	Examiner Rob Swiatek	Art Unit 3643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 May 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,8,11-18,20-24,36-40 and 42-54 is/are pending in the application.
- 4a) Of the above claim(s) 47-54 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,2,8,11-18,20-24,36-40 and 42-46 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8-4-06; 3-16-09; 6-2-10</u> . | 6) <input type="checkbox"/> Other: _____ |

QUAYLE ACTION

Applicants' election with traverse of Group I—comprising claims 1, 2, 8, 11-18, 20-24, 36-40, 42-46—is noted. Although applicants state Groups I-III are directed to a single inventive concept, this is not believed to be the case. The Group II method for facilitating the delivery of fluids to a plurality of cage level barrier-type cages does not include the presence of a bag-filling apparatus, recited in the Group I claims. Similarly, the Group III method and system for facilitating the delivery of fluids to a plurality of cage level barrier-type cages does not include the provision of a bag-filling apparatus, in contradistinction to the Group I invention. The Group III method and system do not include a step or device for filling a plurality of bags with one or more fluids at a clean side of a laboratory site, as does the Group II method, and are limited to *providing* one or more sealed bags of fluid instead. For the above reasons, the restriction is believed proper and is hereby made final.

This application is in condition for allowance except for the following formal matters: in line 2 of paragraph [001], the phrase –now Patent No. 6,941,893,– should be inserted before “and”; in line 2 of the abstract, the semicolon should be replaced with a colon; claims 47-54, drawn to the non-elected inventions, must be canceled.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 25 USPQ 74, 453 O.G. 213, (Comm’r Pat. 1935).

Art Unit: 3643

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

/Rob Swiatek/

Primary Examiner, Art Unit 3643

Ph.: 571/272-6894

29 July 2010